

EXHIBIT 72

Confidential



Transcript of **Nancy Hart**

Sunday, April 10, 2022

National Coalition on Black Civic Participation, et al. v. Jacob Wohl, et al.

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Reference Number: 115309

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 -----

4 NATIONAL COALITION ON BLACK CIVIC PARTICIPATION, MARY
5 WINTER, GENE STEINBERG, NANCY HART, SARAH WOLFF, KAREN
SLAVEN, KATE KENNEDY, EDA DANIEL, and ANDREA SFERES,

6

7 Plaintiffs

8

9 -and-

10

11 People of the STATE OF NEW YORK, by its attorney general,
LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK

12

-vs-

13

14 JACOB WOHL, JACK BURKMAN, J.M. BURKMAN & ASSOCIATES, LLC
PROJECT 1599, MESSAGE COMMUNICATIONS, INC., ROBERT MAHANIAN,
and JOHN and JANE DOES 1-10,

15

16 Defendants.

17 -----

18 Deposition of NANCY HART, Plaintiff, herein taken by
19 Defendant, pursuant to Notice via Zoom, on Sunday, April
20 10th, 2022 at 10:00 a.m., before Paula D. Bielat, a
21 shorthand reporter and notary public within and for the
22 State of New York.

23

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1 APPEARANCES:

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4 ORRICK HERRINGTON & SUTCLIFFE, LLP
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1 CDC is even pushing to use records for mail-in
2 voting to track people for mandatory vaccines
3 could be targeted toward anyone of a lower
4 socioeconomic demographic irrespective of race?

5 A Not really.

6 Q Okay. And for the same reasons you just said?

7 A Yes.

8 Q Okay. The statement here where it says don't be
9 finessed into giving you private information to
10 the man. You testified before that you believe
11 that's targeted towards the black community,
12 correct?

13 A Yes.

14 Q Is it fair to say that this statement could be
15 targeted to any community irrespective of race?

16 A Yes.

17 Q Okay. Do you believe that the robocall was
18 intended to be intimidating?

19 A Yes.

20 Q What is the basis for this belief?

21 A My belief is that they are bringing up, again,
22 tropes that have been used to dissuade people in
23 the African America community from voting or
24 participating in civic processes for a number of
25 years.

1 Q Were you personally intimidated by the robocall?

2 A No.

3 Q How were you affected by the robocall personally?

4 A It's a waste of my time.

5 Q Aside from it wasting your time, how else were
6 you affected by it?

7 A By waste of time I mean personally and
8 professionally.

9 Q Okay. How did it waste your time personally?

10 A I was trying to work at home when I received this
11 call on my home phone. That's how it's a waste
12 of time.

13 Q Now you testified before it actually went to your
14 answering machine though, correct?

15 A Yes.

16 Q Is there a reason you didn't walk out of the room
17 or delete the call or otherwise hang up on it?

18 A It was broadcasting as I was busy doing something
19 else.

20 Q And that broadcast wasted your time?

21 A Yes.

22 Q How was it a waste of your time on a professional
23 level?

24 A With the community I work with and the manner in
25 which we operate within the community, we spend a

1 lot of time answering questions as well as asking
2 them. We have, as I said before, researched all
3 of these things. We have presented information
4 to convince people that voting is more important.
5 We are definitely people who believe that voting
6 should be every voter, every election, every time
7 and we try to promote that as much as possible,
8 and when I have to answer these questions and
9 then they receive a robocall, they then question
10 my reputation and my credibility and again, waste
11 my time because I have to return to show them
12 again, this is not true, this is not true, this
13 is not true.

14 Q But you did not answer any questions specifically
15 with regard to the robocall; is that correct?

16 A No.

17 Q No, it's not correct or no you didn't answer any
18 questions?

19 A It is correct, I did not.

20 Q Prior to receiving the robocall in 2020, what
21 efforts did you take to promote voting in the
22 2020 presidential election?

23 A We try to raise awareness that elections are
24 coming, who the candidates are, situations like
25 that.

1 come back at 12:25?

2 MR. GOLD: That works.

3 (Whereupon, short recess held.)

4 BY MR. KLEINMAN:

5 Q I have really just a few more questions. Ms.

6 Hart, have you received any payment

7 reimbursement, whatsoever, in order to be a

8 Plaintiff in this case?

9 A I have not.

10 Q Have you received any payment for reimbursement
11 from anyone to provide testimony in this lawsuit?

12 A I have not.

13 Q Have you received any reimbursements or payments,
14 whatsoever, related to this case?

15 A I have not.

16 MR. KLEINMAN: Thank you. I have nothing further at
17 this time.

18 MR. GOLD: All right. I have a couple of
19 follow-up questions.

20 EXAMINATION

21 BY MR. GOLD:

22 Q Ms. Hart, why do you believe that the defendants
23 placed the robocall?

24 A To intimidate.

25 MR. KLEINMAN: Objection, speculation.

1 THE WITNESS: To intimidate voters. More
2 specifically voting by mail.
3 MR. GOLD: And why do you believe that?
4 MR. KLEINMAN: Objection.
5 THE WITNESS: Because of the tone of the call.
6 MR. GOLD: Earlier you testified that you
7 believed the robocall to be menacing;
8 is that accurate?
9 THE WITNESS: Yes.
10 BY MR. GOLD:
11 Q What do you mean by menacing?
12 A Menacing is the implication of a negative
13 consequence of either taking action or not taking
14 action. In this case of taking action by
15 registering to vote by mail.
16 Q Do you think it was menacing to any particular
17 group of people?
18 A Yes.
19 Q What particular group of people?
20 A I think in particular it's menacing to black
21 people.
22 Q Understood. You testified earlier that you
23 scoffed at signs you thought were untrue; is that
24 correct?
25 A Yes.

C E R T I F I C A T I O N

THIS IS TO CERTIFY, THAT I, PAULA D. BIELAT, on Sunday, April 10th, 2022, reported the proceedings contained in the foregoing 96 pages at the time and place as set forth in the heading in the foregoing matter. That the transcript is a true and accurate transcription of my stenographic notes, using Computer Aided Transcription, to the best of my ability.



PAULA D. BIELAT, Court Reporter